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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,581

12/08/2003

Per-Olof Davidsson

03384- P0009A

2101

24126

7590

11/28/2006

ST. ONGE STEWARD JOHNSTON & REENS, LLC
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EXAMINER

LE, DAVID D

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,581	DAVIDSSON, PER-OLOF	
	Examiner	Art Unit	
	David D. Le	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the fourth Office action on the merits of Application No. 10/730,581, filed on 08 December 2003. Claims 1 and 3-8 are pending. Of those pending claims, claims 3-5 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species.

Documents

2. The following documents have been received and filed as part of the patent application:
- Information Disclosure Statement, received on 11/12/04
 - Declaration and Power of Attorney, received on 05/24/04
 - Foreign Priority Document, received on 12/08/03
 - Replacement Drawings, received on 09/11/06

Drawings

3. The drawings were received on 11 September 2006. These drawings are approved.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/04245 (WO'245).**

Claims 1 and 6-7:

WO'245 (i.e., Fig. 3; page 4, line 9 – page 10, line 6) discloses a device for transmitting torque between two rotatable shafts comprising:

- A clutch (i.e., Fig. 3, vicinity of elements 12 and 14) between the two shaft members (i.e., Fig. 3, elements 1 and 2) and engageable to counteract rotational speed differential between the shaft members by means of a hydraulic piston (i.e., Fig. 3, element 55) under the control of an electrically controlled throttle or pressure valve (i.e., Fig. 3, element 38),
- A clutch pump (i.e., Fig. 3, being the combination of elements 56 and 57) for supplying hydraulic pressure to the hydraulic piston;
- Wherein the clutch pump is a differential pump driven by the rotational speed differential between the two shaft members (i.e., page 9, lines 15-21);
- Wherein the hydraulic piston, the valve, and the clutch pump are connected in a hydraulic system also containing a feeder pump (i.e., Fig. 3, element 35) for maintaining a certain base pressure in the system (i.e., Fig. 3);
- Wherein the hydraulic system conditionally allows flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump (i.e., Fig. 3, when there is no relative rotation between shafts 1 and 2, and the hydraulic system is on/operating, the flow of base pressure from the feeder

pump 35 past the valve to the hydraulic piston irrespective of the flow from the clutch pump);

- Wherein the feeder pump and the differential pump are connected in parallel by means of a check-valve (i.e., Fig. 3, elements 32 or 39) between the feeder pump and the electrically controlled throttle or pressure valve; and
- Wherein an overflow valve (i.e., Fig. 3, element 34) is connected in parallel over the check-valve.

Response to Arguments

6. Applicant's arguments filed 11 September 2006 have been fully considered but they are not persuasive.

First, applicant argues that Lundstrom does not anticipate claim 1 because Lundstrom does not disclose a means that conditionally allows the flow from the feeder pump past the valve to the hydraulic piston irrespective of the flow from the clutch pump. More specifically, applicant argues that the hydraulic pressure supplied to piston element 55 of Lundstrom is supplied only through throttle valve 38 of Lundstrom. Thus, Lundstrom does not indicate that there is any means that conditionally allows the flow from the feeder pump 36 past the valve 38 to the piston element 55. Examiner respectfully disagrees because, as set forth in paragraph 5 above, the means is i.e., the hydraulic circuit that operates under condition as stated in paragraph 5 above, to allow the flow from the feeder pump 36 past the valve 38 to the piston element 55.

Second, applicant argues that there is no valve disposed between pump 35 and throttle valve 38. Examiner respectfully disagrees because, as shown in Fig. 3, check valves 32 and 39

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are disposed between pump 35 and throttle valve 38. It should be noticed that the claims only require the check-valve to be located or situated between the feeder pump and the throttle valve.

Third, applicant argues that Lundstrom does not disclose an overflow valve connected in parallel over the check-valve. Examiner respectfully disagrees because, as shown in Fig. 3, overflow valve 34 is connected in a parallel circuit over the check-valve 39.

Accordingly, as set forth in paragraph 5 above, Lundstrom reference meets the claimed limitation.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

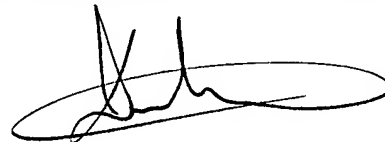
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 571-272-7092. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'D. Le', enclosed within a large, horizontal oval loop.

David D. Le
Examiner
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11/27/06

ddl